

Albert L. Brinkman #133444
Arizona State Prison Complex
Tucson-Manzanita Unit 5-B-34
P.O. Box 24401
Tucson, AZ. 85734-4401

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA		DEPUTY
BY		

Plaintiff-Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ALBERT L. BRINKMAN, No. CV08-670-TUC-CKJ

Plaintiff,

v.

MOTION TO
RECUSE JUDGE

DORA B. SCHRIRO, et al.,

Defendants.

Comes now, the Plaintiff, Albert Brinkman, Pro Se, and moves this Court for Recusal of a District Court Judge.

In support thereof, Plaintiff states as follows:

1. That Judge Cindy K. Jorgenson was assigned to a civil rights action in this Court in Brinkman v. Schriro, et al., CV06-512-TUC-CKJ in August 2006.

2. That said Judge Cindy K. Jorgenson
is a named Defendant in this action
(See List of Defendants, Pages 2d-2e,
and Count I of Complaint), for acts
of specified misconduct, malfeasance,
misfeasance and nonfeasance, during
and throughout the litigation in that
case, during the time period of 2006
through 2008.

3. That the Complaint in this case, with
the specified wrongful actions and
omissions therein, was filed as an
amended/supplemental complaint,
with a concurrently-filed Notice of
Change of Judge alleging that Judge
Jorgenson, as a named Defendant and
due to the acts of misconduct stated
therein, could not review or rule on
that Amended/Supplemental Complaint
and it required another, unbiased judge
to be appointed for the proceedings.

4. That despite Plaintiff's notice and the
serious, substantial claims raised

that allege misconduct in the case, bias, prejudice, conflict of interest, discrimination, unequal treatment, violations of law and higher-court authority, and actions that present an appearance of impropriety and are egregious enough to bring the District Court of Tucson into disrepute; Judge Cindy K. Jorgenson refused to recuse and remove herself from the case, reviewed the Complaint in which she was/is a Defendant and dismissed herself from having to answer the charges and civil rights violations therein.

5. That following the above, further acts of misconduct and this judge's tenacious refusal to allow an outside, objective and unbiased judge to see and review the allegations, the Plaintiff revised the complaint and filed it to the Phoenix District Court as a new action, believing that a different judge would be assigned to review and order Defendants to be served and to answer.

6. However, the Clerk of the Phoenix Court, which had jurisdiction over the subject matter, the parties to the action, and had proper venue as the violations began in, continued in and occurred mostly in the Phoenix area; not to mention that the majority of Defendants named live and work (Lewis prison and the A.D.O.C. Central Office and Attorney General's Office) in the Phoenix venue; sent the Complaint to the Tucson Court, where it promptly wound-up being assigned, again, to Judge Jorgenson. See Exhibit A hereto, Notice of Assignment.

7. Wherefore, Plaintiff moves the Honorable Presiding Judge of this Court to correct this miscarriage, to immediately remove Judge Cindy K. Jorgenson from all proceedings in this case and any action involving the Plaintiff, to order a Change of Venue to the Phoenix District Court

for review of the Complaint and for
subsequent orders, forthwith.

Respectfully Submitted this 2nd day
of JAN., 2009.



Albert L. Brinkman
Plaintiff - Pro Se

Copies of the foregoing mailed this 2nd
day of JAN., 2009, to:

Presiding Judge, U.S. District Court
Eva A. DeConcini U.S. Courthouse
405 West Congress St.
Tucson, AZ. 85701-5010

Presiding Judge, U.S. District Court
Sandra Day O'Connor U.S. Courthouse
401 West Washington St., SPC1
Phoenix, AZ. 85003-2119

Honorable Cindy K. Jorgenson
405 West Congress, Suite 1500
Tucson, AZ. 85701-5010

cont...

Mailing cert. cont.

Terry Goddard, Attorney General
Office of the AZ. Attorney General
1275 West Washington St.
Phoenix, AZ. 85007-2997

Wanda E. Hofmann, Assistant Attorney General
Office of the AZ. Attorney General - Tucson
177 North Church Ave., Suite 1105
Tucson, AZ. 85701-1114

By:

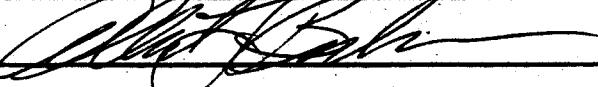
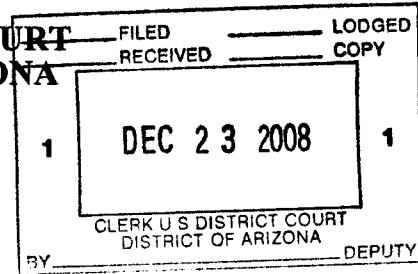

Albert L. Brinkman
Plaintiff-Pro Se

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
Tucson



Albert L Brinkman)
Plaintiff,)
v.) Case No.: 4:08-cv-00670-CKJ-PSOT
NOTICE OF ASSIGNMENT
Dora B. Schriro, et al.)
Defendant.)

NOTICE OF ASSIGNMENT

On 12/23/08 , Plaintiff filed a pro se Complaint which has been assigned the case number listed above. This case has been assigned to District Court Judge Cindy K Jorgenson and the Court's Legal Staff. When any action is taken in this case, you will be notified by Court order.

Richard H. Weare

District Court Executive/Clerk

cc: Plaintiff

WARNING!

Failure to comply with the following rules will result in your document being STRUCK and/or your case being DISMISSED:

- (1) You must file a Notice of Change of Address if your address changes.
- (2) You must correctly label any further documents with the above assigned caption and case number. LRCiv 7.1(a).
- (3) You must sign your name and date every document you file. FED. R. CIV. P. 11
- (4) You must provide an original and one copy of any document to be filed.(if you request a conformed copy, you must provide an original and two (2) copies). LRCiv 5.4
- (5) You must mail copies of every document you file to all respondents or their attorneys, FED. R. CIV. P. 5(a), and every document you file must include a certificate stating the date a copy of the document was mailed to respondents or their attorneys.

